

8.1	BTM & S STANKOVICH PTY LTD - RECONFIGURING A LOT - SUBDIVISION (1 INTO 45 LOTS) IN 3 STAGES - LOT 500 ON SP336235 - EMERALD END ROAD, MAREEBA - RAL/22/0019
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Date Prepared: 12 January 2023
Author: Planning Officer
Attachments: 1. Proposal Plans

APPLICATION DETAILS

APPLICATION		PREMISES	
APPLICANT	BTM & S Stankovich Pty Ltd	ADDRESS	Emerald End Road, Mareeba
DATE LODGED	27 October 2022	RPD	Lot 500 on SP336235
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 45 lots) in 3 stages (Stages 13A, 13B and 14A)		
FILE NO	RAL/22/0019	AREA	20.7073 hectares
LODGED BY	Freshwater Planning Pty Ltd	OWNER	BTM & S Stankovich Pty Ltd
PLANNING SCHEME	Mareeba Shire Council Planning Scheme 2016		
ZONE	Low Density Residential zone		
LEVEL OF ASSESSMENT	Code Assessment		
SUBMISSIONS	N/A		

EXECUTIVE SUMMARY

Council is in receipt of a code assessable development application described in the above application details. Being code assessable, the application was not required to undergo public notification.

The application proposes the continued staged development of Amaroo Estate, creating a further 45 residential allotments over three stages (Stages 13A, 13B and 14A). Stage 13B will include the Estates only direct road link to Emerald End Road.

The application and supporting material has been assessed against the Mareeba Shire Council Planning Scheme 2016 and does not conflict with any relevant planning instrument.

It is recommended that the application be approved in full, subject to conditions.

OFFICER’S RECOMMENDATION

1. That in relation to the following development application:

APPLICATION		PREMISES	
APPLICANT	BTM & S Stankovich Pty Ltd	ADDRESS	Emerald End Road, Mareeba
DATE LODGED	27 October 2022	RPD	Lot 500 on SP336235
TYPE OF APPROVAL	Development Permit		
PROPOSED DEVELOPMENT	Reconfiguring a Lot - Subdivision (1 into 45 lots) in 3 stages (Stages 13A, 13B and 14A)		

and in accordance with the Planning Act 2016, the applicant be notified that the application for a development permit for the development specified in (A) is:

Approved by Council in accordance with the approved plans/documents listed in (B), subject to assessment manager conditions in (C), assessment manager’s advice in (D), relevant period in (E), further permits in (F), and further approvals from Council listed in (G);

And

The assessment manager does not consider that the assessment manager’s decision conflicts with a relevant instrument.

(A) APPROVED DEVELOPMENT: Development Permit for Reconfiguring a Lot - Subdivision (1 into 45 lots) in 3 stages (Stages 13A, 13B and 14A)

(B) APPROVED PLANS:

Plan/Document Number	Plan/Document Title	Prepared by	Dated
9013 Master Plan - Sheet 1 of 4	Development Plan Stage 13 - 16	Twine Surveys	01.12.2022
9013 Master Plan - Sheet 2 of 4	Stage 13A - Diagram A	Twine Surveys	01.12.2022
9013 Master Plan - Sheet 3 of 4	Stage 13B - Diagram B	Twine Surveys	01.12.2022
9013 Master Plan - Sheet 4 of 4	Stage 14A - Diagram C	Twine Surveys	01.12.2022

(C) ASSESSMENT MANAGER’S CONDITIONS (COUNCIL)

(a) Development assessable against the Planning Scheme

1. Development must be carried out generally in accordance with the approved plans and the facts and circumstances of the use as submitted with the application, and subject to any alterations:
 - found necessary by the Council’s delegated officer at the time of examination of the engineering plans or during construction of the development because of particular engineering requirements; and
 - to ensure compliance with the following conditions of approval.

2. Timing of Effect

- 2.1 The conditions of the development permit must be complied with to the satisfaction of Council's delegated officer prior to the endorsement of the plan of survey for each stage of the development, or alternative documentation as approved by the Land Title Act, except where specified otherwise in these conditions of approval.

3. General

- 3.1 The applicant/developer is responsible for the cost of necessary alterations to existing public utility mains, services or installations required by works in relation to the proposed development or any works required by condition(s) of this approval.

- 3.2 All payments or bonds required to be made to the Council pursuant to any condition of this approval or the Adopted Infrastructure Charges Notice must be made prior to the endorsement of the plan of survey, or alternative documentation as approved by the Land Title Act and at the rate applicable at the time of payment.

- 3.3 The developer must relocate (in accordance with FNQROC standards) any services such as water, sewer, drainage, telecommunications and electricity that are not wholly located within the lots that are being created/serviced where required by the relevant authority, unless approved by Council's delegated officer.

- 3.4 Where utilities (such as sewers on non-standard alignments) traverse lots to service another lot, easements must be created in favour of Council for access and maintenance purposes. The developer is to pay all costs (including Council's legal expenses) to prepare and register the easement documents.

- 3.5 All works must be designed, constructed and carried out in accordance with FNQROC Development Manual requirements (as amended) and to the satisfaction of Council's delegated officer.

3.6 Charges

All outstanding rates, charges, and expenses pertaining to the land are to be paid in full.

3.7 Bushfire Management

A Bushfire hazard management plan for the subject land must be prepared by suitably qualified person to the satisfaction of Council's delegated officer.

The future use of each lot must comply with the requirements of the bushfire hazard management plan at all times.

3.8 The following road names are approved:

- Kutterul Close - new cul-de-sac off Moondani Avenue; and
- Allambee Close - new cul-de-sac off Karobean Drive.

4. Infrastructure Services and Standards

4.1 Access

Access to each allotment must be constructed (from the edge of the road pavement to the property boundary of each lot) in accordance with the FNQROC Development Manual, to the satisfaction of Council's delegated officer.

The provision of layback/roll-over kerbing along the frontage of each allotment will satisfy this condition.

4.2 Stormwater Drainage

- (a) The applicant/developer must take all necessary steps to ensure a non-worsening effect on surrounding land as a consequence of the development.
- (b) Prior to works commencing the applicant must submit a Stormwater Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Queensland Urban Drainage Manual (QUDM) and the FNQROC Development Manual to the satisfaction of Council's delegated officer.
- (c) Prior to works commencing the applicant must submit a Stormwater Quality Management Plan and Report prepared and certified by a suitably qualified design engineer (RPEQ) that meets or exceeds the standards of design and construction set out in the Urban Stormwater Quality Planning Guideline and the Queensland Water Quality Guideline to the satisfaction of Council's delegated officer.
- (d) The Stormwater Quality Management Plan must include an Erosion and Sediment Control Plan that meets or exceeds the Soil Erosion and Sedimentation Control Guidelines (Institute of Engineers Australia) to the satisfaction of Council's delegated officer.
- (e) The applicant/developer must construct the stormwater drainage infrastructure in accordance with the approved Stormwater Management Plan and/or Stormwater Quality Management Plan and Report.
- (f) Temporary drainage is to be provided and maintained during the construction phase of the development, discharged to a lawful point and not onto the construction site.
- (g) All stormwater channels through private property must be registered, with the easement for drainage purposes in favour of Council. All documentation leading to the registration of the easement must be completed at no cost to Council.
- (h) All stormwater drainage collected from the site must be discharged to an approved legal point of discharge.
- (i) The applicant (at their cost) must video all stormwater lines and submit the video for inspection by Council's delegated officer prior to the development being taken "off maintenance" to ensure that no defects have occurred during the 12 month maintenance period.

- (j) All drainage easements must be constructed to prevent erosion. Construction may be in the form of a concrete invert, with outlet protection.

4.3 Earthworks

All earthworks must be carried out in accordance with the requirements of the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.

4.4 Roadworks/footpaths - Internal

- (a) Moondani Avenue, Kutterul Close and Allambee Close are to be constructed to Access Street standard in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (b) Karobean Drive must be constructed to a Collector Road standard (of the same width as the existing section of Karobean Drive) in accordance with the FNQROC Development Manual (as amended) to the satisfaction of Council's delegated officer.
- (c) Temporary turnaround areas, with a bitumen and/or gravel surface, must be provided at the western end of Karobean Drive and the eastern end of Allambee Close to allow traffic manoeuvring until future stages 15 and 14B are developed.
- (b) 2 metre wide concrete pedestrian footpaths must be installed on at least 1 side of **all** proposed internal roads, including Moondani Avenue and Karobean Drive. The horizontal alignment of all footpaths (with the exception of Karobean Drive) must comply with the FNQROC development Manual (specifically Standard Drawing S1004A) and **must not be constructed abutting the kerbing.**

The Karobean Drive footpath (only) is permitted to be constructed abutting the kerbing.

4.5 Roadworks - External (Karobean Drive/Emerald End Road Intersection)

The intersection of Karobean Drive and Emerald End Road must be constructed to FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

4.6 Footpaths - External (Emerald End Road)

This condition is optional and may be carried out at the applicant/developer's discretion.

- (a) Council will permit the construction of a 2 metre wide concrete pedestrian footpath within the Emerald End Road reserve to create a pedestrian link between the proposed Karobean Drive pedestrian footpath, the proposed Kutterul Close pedestrian footpath and the Dandaloo Close cul-de-sac head, and the new park/playground constructed adjacent Lot 2 on SP298298.
- (b) The footpath works must be sited as close as practically possible to the western side of the Emerald End Road reserve and must not include any

vegetation plantings. The footpath must only meander where needed to avoid existing trees and a culvert crossing/bridge is required to be installed across the stormwater drain situated between drainage reserve Lot 49 on SP220745 and Emerald End Road.

- (c) The footpath may be done in 3 separate Stages or combination of the 3 Stages as follows:
- Linking the Karobean Drive and Kutterul Close footpaths; and/or
 - Linking the Kutterul Close footpath and Dandaloo Close cul-de-sac head; and/or
 - Linking the Dandaloo Close cul-de-sac head and the park/playground adjacent Lot 2 on SP298298. For this section, the footpath is only required to be constructed to the south-east corner of Lot 10 on SP211136 with Council to complete the link between the end of this footpath and the park/playground.
- (d) The cost of the abovementioned pedestrian footpath works will be credited towards the parks and open space component (only) of the infrastructure charges payable for Stages 13A, 13B and 14A. The parks and open space component accounts for 20% of the total infrastructure charges payable for each Stage.

The cost of the pedestrian footpath works (to be credited) must be provided via an itemised quotation and must be agreed to by Council's delegated officer before works commence.

4.7 Water Supply

- (a) A water service connection must be provided to each proposed lot in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer
- (b) Where the existing reticulated water supply does not currently service the site or is not at an adequate capacity, the developer is required to extend or upgrade the reticulated water supply infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.8 Sewerage Connection

- (a) The developer must connect the proposed development to Council's reticulated sewerage system in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.
- (b) Where sewerage connections are not available to the site, or where existing connections are not satisfactory for the proposed development, the developer is required to extend or upgrade the reticulated sewerage infrastructure to connect the site to Council's existing infrastructure at a point that has sufficient capacity to service the development in accordance with FNQROC Development Manual standards (as amended).

4.9 Electricity provision/supply

The applicant/developer must ensure that an appropriate level of electricity supply is provided to each allotment in accordance with FNQROC Development Manual standards (as amended) to the satisfaction of Council's delegated officer.

Written advice from an Electricity Service Provider is to be provided to Council indicating that an agreement has been made for the provision of **underground** power reticulation.

4.10 Telecommunications

The applicant/developer must enter into an agreement with a telecommunication carrier to provide telecommunication services to each allotment and arrange provision of necessary conduits and enveloping pipes.

4.11 Lighting

Street lighting must be provided to all roads in accordance with FNQROC Development requirements (as amended) and to the satisfaction of Council's delegated officer.

4.12 Street Trees

One (1) street tree must be at the planted at centre of each lot's road frontage. Corner allotments must have a street tree planted on each frontage.

All street trees must be provided in accordance with the FNQROC Development Manual - Design Manual D9 Landscaping.

Plans for the development works required under Conditions 4.1 - 4.12 must be submitted to Council for approval as part of a subsequent application for operational works.

(D) ASSESSMENT MANAGER'S ADVICE

- (a) An Adopted Infrastructure Charges Notice has been issued with respect to the approved development. The Adopted Infrastructure Charges Notice details the type of infrastructure charge/s, the amount of the charge/s and when the charge/s are payable.
- (b) The Adopted Infrastructure Charges Notice does not include all charges or payments that are payable with respect to the approved development. A number of other charges or payments may be payable as conditions of approval. The applicable fee is set out in Council's Fees & Charges Schedule for each respective financial year.
- (c) Easement Documents

Council has developed standard easement documentation to assist in the drafting of formal easement documents for Council easements. Please contact the Planning Section for more information regarding the drafting of easement documents for Council easements.

(d) Endorsement Fees

Council charges a fee for the endorsement of a Survey Plan, Community Management Statements, easement documents, and covenants. The fee is set out in Council's Fees & Charges Schedule applicable for each respective financial year.

(e) Compliance with applicable codes/policies

The development must be carried out to ensure compliance with the provisions of Council's Local Laws, Planning Scheme Policies, Planning Scheme and Planning Scheme Codes to the extent they have not been varied by a condition of this approval.

(f) Notation on Rates Record

A notation will be placed on Council's Rate record with respect to each lot regarding the following conditions:

- conditions regarding bushfire management
- any registered easements over the subject land

(g) Environmental Protection and Biodiversity Conservation Act 1999

The applicant is advised that referral may be required under the *Environmental Protection and Biodiversity Conservation Act 1999* if the proposed activities are likely to have a significant impact on a matter of national environmental significance. Further information on these matters can be obtained from www.dcceew.gov.au.

(h) Cultural Heritage

In carrying out the activity the applicant must take all reasonable and practicable measures to ensure that no harm is done to Aboriginal cultural heritage (the "cultural heritage duty of care"). The applicant will comply with the cultural heritage duty of care if the applicant acts in accordance with gazetted cultural heritage duty of care guidelines. An assessment of the proposed activity against the duty of care guidelines will determine whether or to what extent Aboriginal cultural heritage may be harmed by the activity. Further information on cultural heritage, together with a copy of the duty of care guidelines and cultural heritage search forms, may be obtained from www.dsdsatsip.qld.gov.au.

(E) RELEVANT PERIOD

When approval lapses if development not started (s.85)

- Reconfiguring a Lot – four (4) years (starting the day the approval takes effect).

(F) OTHER NECESSARY DEVELOPMENT PERMITS AND/OR COMPLIANCE PERMITS

- Development Permit for Operational Works

(G) OTHER APPROVALS REQUIRED FROM COUNCIL

- Nil

2. That an Adopted Infrastructure Charges Notice be issued for the following infrastructure charge/s for:

Development Type	Rate	Measure	Charge	Credit Detail	Balance
	<i>\$ per Lot</i>	<i>Lots</i>		<i>Lots</i>	
Stage 13A - Residential	\$20,260.00	15 Lots	\$303,900.00	Nil	\$303,900.00
Stage 13B - Residential	\$20,260.00	18 Lots	\$364,680.00	Nil	\$364,680.00
Stage 14A - Residential	\$20,260.00	12 Lots	\$243,120.00	Nil	\$243,120.00
TOTAL CURRENT AMOUNT OF CHARGE					\$911,700.00

THE SITE

The subject land is the balance area of the incomplete Amaroo Estate situated off Karobean Drive and Emerald End Road, Mareeba, being described as Lot 500 on SP336235.

The land has an area of 20.7073 hectares and is zoned Low Density Residential under the Mareeba Shire Council Planning Scheme 2016.

The site contains an extensive frontage to Emerald End Road which is formed to a rural road bitumen sealed standard. Frontages also exist to Pontos Place, Moondani Avenue and Karobean Drive. Access to the proposed development will be via Emerald End Road and the continuation of Moondani Avenue.

Being a balance lot for an incomplete estate, the site is unimproved with the land being largely cleared and grassed. Vegetation remains along Cobra Creek and an internal waterway.

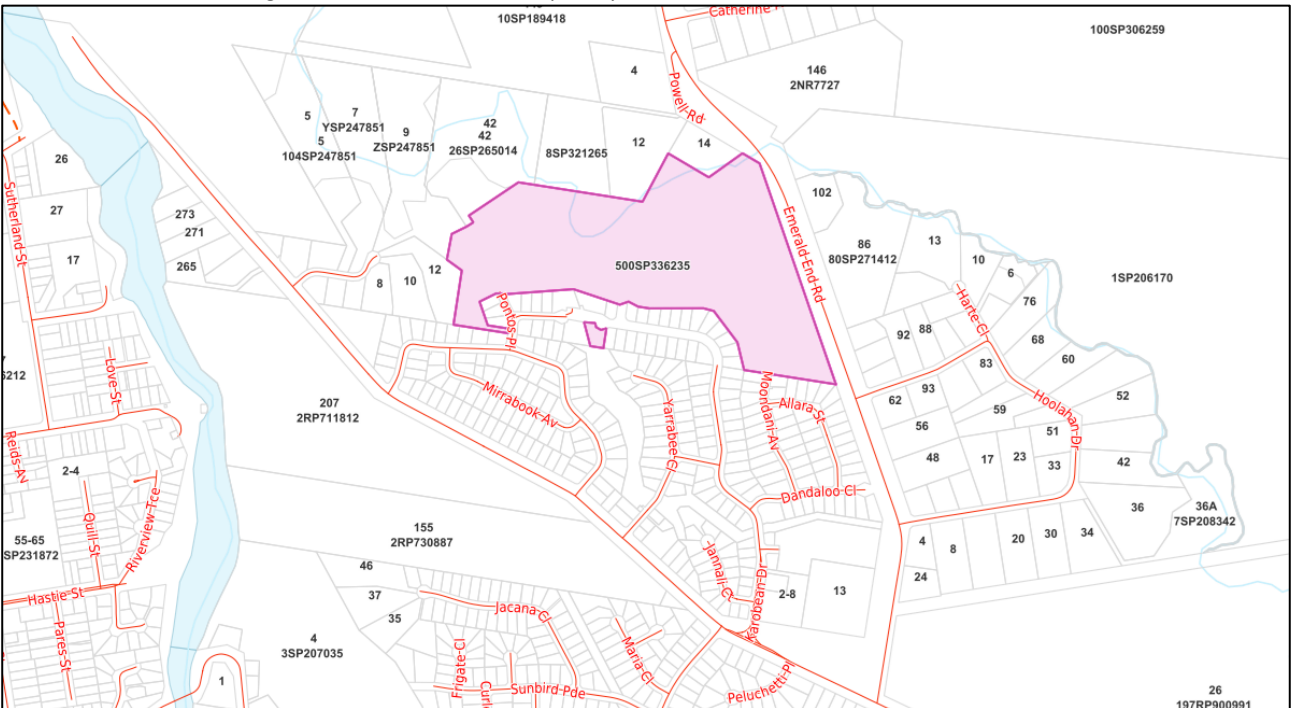
The site is able to be connected to town water, sewer, telecommunications and underground electricity supply.

Surrounding allotments are zoned Low Density Residential and have / and or will be developed for residential purposes.



Map Disclaimer:

Based on or contains data provided by the State of Queensland (Department of Environment and Resource Management) (2009). In consideration of the State permitting use of this data you acknowledge and agree that the State gives no warranty in relation to the data (including accuracy, reliability, completeness, currency or suitability) and accepts no liability (including without limitation, liability in negligence) for any loss, damage or costs (including consequential damage) relating to any use of the data. Data must not be used for direct marketing or be used in breach of the privacy laws.



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BACKGROUND AND CONTEXT

Nil

PREVIOUS APPLICATIONS & APPROVALS

The application represents the continued development of Amaroo Estate, being Stages 13A, 13B and 14A, comprising 15, 18 and 12 new residential lots respectively.

The previous stages of Amaroo Estate have been developed lawfully under a number of individual approvals.

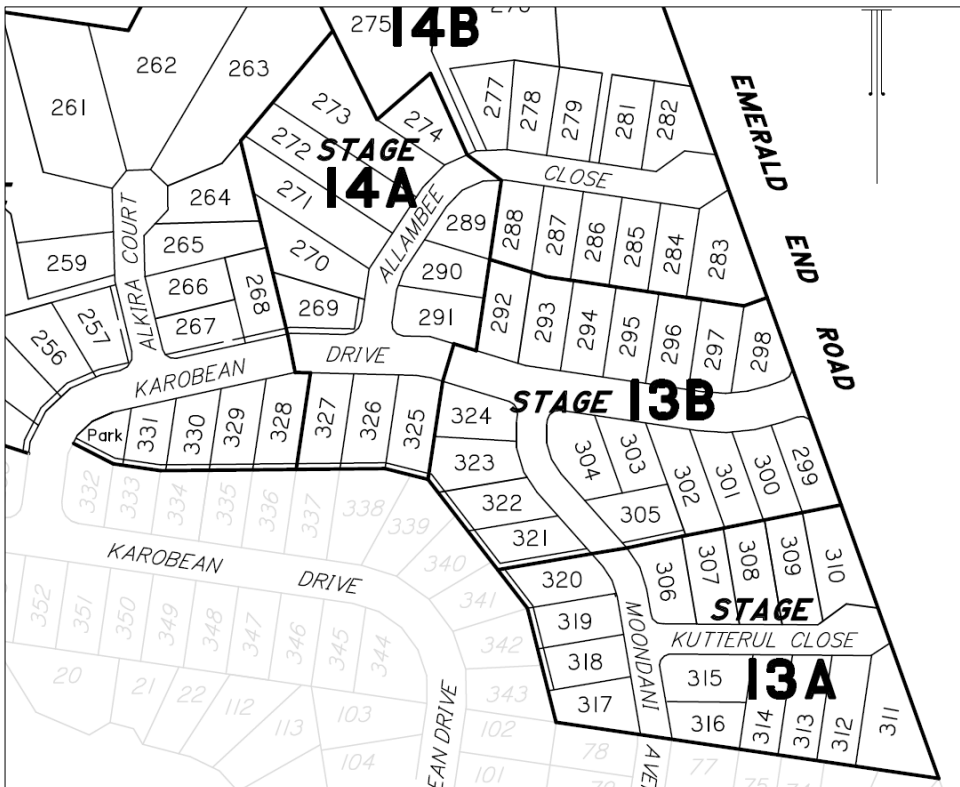
DESCRIPTION OF PROPOSED DEVELOPMENT

The development application seeks a Development Permit for Reconfiguring a Lot - Subdivision (1 into 45 lots) in 3 stages in accordance with the plans shown in **Attachment 1**.

The application represents the continued development of Amaroo Estate, being Stages 13A, 13B and 14A as follows:

- Stage 13A - 15 lots ranging in size from 807m² to 1,642m²;
- Stage 13B - 18 lots ranging in size from 875m² to 1,164m²; and
- Stage 14A - 12 lots ranging in size from 910m² to 2,517m².

Stages 13B and 14A will include sections of Karobean Drive which will link up to Emerald End Road. A link through to the existing Estate will also be achieved via Moondani Avenue in Stages 13A and 13B . A plan of the 3 Stages is shown below:



Despite being shown on the above map, Stage 14B is not included in this application.

All lots will have the required road frontage, with no rear access lots proposed. All roads will be bitumen/asphalt sealed with layback/rollover kerbing on each side. Pedestrian footpaths will be provided on at least one side of each new section of road.

The new residential lots will be connected to all urban services, with the balance area allotment to be further developed during future stages of Amaroo Estate.

REGIONAL PLAN DESIGNATION

The subject site is included within the Urban Footprint land use category in the Far North Queensland Regional Plan 2009-2031. Mareeba is identified as a Major Regional Activity Centre in the Regional Plan. The Regional Plan Map 3- 'Areas of Ecological Significance' also identifies the site is:

- *Wetland Area of General Ecological Significance*
- *Terrestrial Area of General Ecological Significance*

PLANNING SCHEME DESIGNATIONS

Strategic Framework:	Land Use Categories • Residential Area
Zone:	Low Density Residential
Overlays:	Airport Environs Overlay Bushfire Hazard Overlay Environmental Significance Overlay Flood Hazard Overlay Hill and Slope Overlay Transport Infrastructure Overlay

RELEVANT PLANNING INSTRUMENTS

Assessment of the proposed development against the relevant planning instruments is summarised as follows:

(A) Planning Regulation 2017 - Schedule 12A

Schedule 12A Assessment benchmarks for particular reconfiguring a lot (Walkable Neighbourhoods)

4 Connectivity

The reconfiguration provides connectivity for pedestrians by-

- (a) ensuring that any roads constructed or extended in association with the reconfiguration are connected in a grid-like pattern that is responsive to topography and other physical constraints; and
- (b) ensuring that, to the extent topography and other physical constraints reasonably permit, any roads constructed or extended in association with the reconfiguration, or footpaths provided in relation to the reconfiguration-
 - (i) connect to roads and footpaths in surrounding areas; or

- (ii) allow for connection to future roads and footpaths in surrounding areas.

Comment

The proposed lot layout remains consistent with the previously accepted Amaroo Estate master plan.

The new stages do not feature any significant topographical or physical constraints.

Footpaths will be conditioned along the new internal roads.

The Kutterul Close cul-de-sac head connects to the Emerald End Road reserve, providing for pedestrian connectivity.

5 Maximum length of particular blocks

- (1) The reconfiguration provides for convenient pedestrian movement by ensuring the length of each boundary of a block for the reconfiguration does not exceed the lesser of-
 - (a) a maximum length for a boundary of a block stated in a local assessment benchmark for the reconfiguration; or
 - (b) 250m.
- (2) Subsection (1) does not apply in relation to a block for the reconfiguration that the development application for the reconfiguration states will be subdivided as part of a future stage of development.

Comment

Complies. All proposed blocks are less than 250m in length.

6 Street trees

The reconfiguration provides shade for comfortable walking by -

- (a) if a local assessment benchmark for the reconfiguration requires the planting of more than 1 tree per 15m on each side of a new road—complying with the local assessment benchmark; or
- (b) otherwise—ensuring at least 1 tree is planted per 15m on each side of a new road.

Comment

The development will be conditioned to comply with the FNQROC Development Manual specification of one (1) tree at the centre of each lot. Planting a higher density of street trees will likely interfere/conflict with the future development of the proposed lots and would potentially see many of the trees left to die or deliberately damaged.

7 Footpaths

The reconfiguration provides for convenient and comfortable pedestrian movement by ensuring-

- (a) for a new road used mainly for providing direct access to a created lot - a footpath is constructed-

- (i) if a local assessment benchmark for the reconfiguration requires the construction of a footpath on both sides of the new road—on both sides of the road; or
 - (ii) otherwise - on at least 1 side of the new road; or
- (b) for another new road - a footpath is constructed on both sides of the road.

Applicant's Response

"The site is bounded by Karobean Drive and Emerald End Road. Emerald End Road is not provided with a pedestrian footpath with Karobean Drive provided with a pedestrian footpath for its full length. As abovementioned, BTM & S Stankovich Pty Ltd propose with this Development Application an External Pedestrian Network providing additional Connectivity. The existing Moondani Avenue is not provided with a pedestrian footpath with the proposal to extend the existing Avenue. It is noted that no internal roads within the existing Residential Estate, other than Karobean Drive, are provided with pedestrian footpaths. It is considered appropriate and acceptable that the provision of a pedestrian footpath is not required with this proposed development, other than Karobean Drive and will keep with the existing amenity of the Residential Estate whilst achieving appropriate and acceptable Connectivity.

Freshwater Planning Pty Ltd understands that the FNQROC Development Manual (Table D1.1 Street and Road Hierarchy) within Cairns, Douglas and the Cassowary Coast Councils contain the provision of an Access Place with a catchment size of 0 – 25 Dwellings not to require the provision of a Footpath. As the proposal is to provide less than 25 Dwelling Houses for Kutterul and Allambee Close, it is considered further appropriate that the provision of a pedestrian footpath is not required within this instance.

It is noted that the provision of a pedestrian footpath of the specified width and design for a Residential Allotment with a frontage of twenty (20) metres adds an additional \$4,000 to the development costs for that Allotment.

The proposed footpath arrangement has previously been Negotiated and Approved by Council for Stages 6, 7, 8 and now Stage 12 (Karobean Drive & Wandara Court), with construction of these footpaths commencing around five (5) years ago. During this time, there has been no major issues in terms of maintenance, usability, and safety with the provided alignment against the kerb and channelling. This position has worked well for both parties (BTM & S Stankovich and Council) and BTM & S Stankovich see no reason as to why there must be a change from the reasonable and previously Council Approved solution.

The reasoning as to why the alignment of the pedestrian footpath was decided to be placed against the kerb and channelling was due to Council's preferred alignment for Water Mains at 2.00 metres and the concrete pedestrian footpath required to be placed in the location noted in the FNQROC Development Manual (i.e. 700mm from the kerbside edge and 1300mm from the property boundary), resulting in significant services such as the Water Main being located directly under this concrete footpath.

Clearly, this alignment would significantly compromise and hinder the Councils ability to conduct future maintenance works as the require sections of the concrete

path would need to be removed and reinstalled, resulting in higher maintenance costs as well as compromise the aesthetical look of the footpath and the Amaroo Residential Estate. Instead of Council opting to change the location of their Water Main alignment from 2.00 metres, the Council (at the time) and BTM & S Stankovich negotiated, agreed, and opted for a fair & reasonable engineering solution to allow for the Approved location of the footpath to be against the kerb and channelling, due to the aforementioned reasons regarding potential maintenance issues, location of Water Mains etc.

Further, as the alignment of the concrete pedestrian footpath been previously approved and installed against the kerb and channelling in multiple previous Stages of Amaroo Estate. It should be understood, BTM & S Stankovich obviously wish to maintain a consistent & pleasing visual appearance throughout its development and all future stages (Stage 13, 14 and further) as well as continually striving to provide a product which is both functional, appealing, and low maintenance for all stakeholders involved, particularly Mareeba Shire Council thus maintaining the alignment of concrete footpath against the Kerb and Channelling is preferred.

It is considered appropriate and acceptable that the proposed location of the Pedestrian Footpath be continued to be located fronting the Kerb and Channelling ensuring the continual flow and amenity and aesthetics of the Amaroo Residential Estate."

Comment

Councils Technical Services Department was consulted with regards to the desired location of footpaths within the Estate. Table D1.1 of the FNQROC Manual does state that "access place" roads with a catchment size less than 25 dwellings do not require a footpath, however "access place" roads, with widths of just 5.5 metres are not permitted to be installed by developers within the Mareeba Shire. The smallest standard residential street permitted within the Mareeba Shire is an "access street", with a width of 6.5 metres inclusive of the requirement for a footpath on at least 1 side of the road. This is consistent with the intent of the Planning Regulation. As such, the development has been conditioned to include footpaths on all streets proposed.

Furthermore, it is desired that all pedestrian footpaths be located away from the road kerbing between the street trees and property boundaries, consistent with FNQROC Development Manual standard drawing S1004A. Council Officers have no concerns with the Estate water mains being located within proximity or even under the footpaths.

The exception to this is Karobean Drive, where an agreement is in place to allow the pedestrian footpath to be located abutting the kerbing which is consistent with the existing constructed sections of Karobean Drive.

The development has been appropriately conditioned to comply.

8 Parks and other areas of open space

- (1) The reconfiguration ensures access to areas for recreation, leisure or exercise by ensuring that, to the extent topography and other physical constraints reasonably permit, a part of each block for the reconfiguration is

within 400m of a park or another area of open space that is accessible to the public.

- (2) In this section - **park** includes -
 - (a) an existing park; and
 - (b) a park, to be provided under a development approval, if development of the park has started; and
 - (c) land identified as a park in a local planning instrument; and
 - (d) land identified in an LGIP for public park infrastructure.

Comment

A small new park will be provided during future Stage 15. This park will satisfy this provision.

(B) Far North Queensland Regional Plan 2009-2031

Separate assessment against the Regional Plan is not required because the Mareeba Shire Council Planning Scheme appropriately advances the Far North Queensland Regional Plan 2009-2031, as it applies to the planning scheme area.

(C) State Planning Policy

Separate assessment against the State Planning Policy (SPP) is not required because the Mareeba Shire Council Planning Scheme appropriately integrates all relevant aspects of the SPP.

(D) Mareeba Shire Council Planning Scheme 2016

Relevant Developments Codes

The following Development Codes are considered to be applicable to the assessment of the application:

- 6.2.6 Low density residential zone code
- 7.2.2 Mareeba local plan code
- 8.2.2 Airport environs overlay code
- 8.2.3 Bushfire hazard overlay code
- 8.2.4 Environmental significance overlay code
- 9.4.2 Landscaping code
- 9.4.3 Parking and access code
- 9.4.4 Reconfiguring a lot code
- 9.4.5 Works, services and infrastructure code

The application included a planning report and assessment against the planning scheme. An officer assessment has found that the application satisfies the relevant acceptable outcomes (or performance outcome where no acceptable outcome applies) of the relevant codes set out below, provided reasonable and relevant conditions are attached to any approval.

Relevant Codes	Comments
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Low density residential zone code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Mareeba local plan code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Airport environs overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Bushfire hazard overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Environmental significance overlay code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Landscaping code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Parking and access code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Reconfiguring a lot code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.
Works, services and infrastructure code	The application complies or can be conditioned to comply with the relevant acceptable outcomes or performance outcomes (where no acceptable outcome is provided) contained within the code.

(E) Planning Scheme Policies/Infrastructure Charges Plan

The following planning scheme policies are relevant to the application:

Planning Scheme Policy 4 - FNQROC Regional Development Manual

A condition will be attached to any approval requiring all development works be designed and constructed in accordance with FNQROC Development Manual standards.

(F) Adopted Infrastructure Charges Notice

In accordance with Council's Adopted Infrastructure Charges Resolution (No. 1) 2022, a charge of \$20,260.00 will apply to each additional residential allotment created.

The application proposes the creation of 45 additional residential lots and one balance lot.

\$20,260.00 x 45 (lots) = **\$911,700.00**

REFERRAL AGENCY

This application did not trigger referral to a Referral Agency.

Internal Consultation

Technical Services

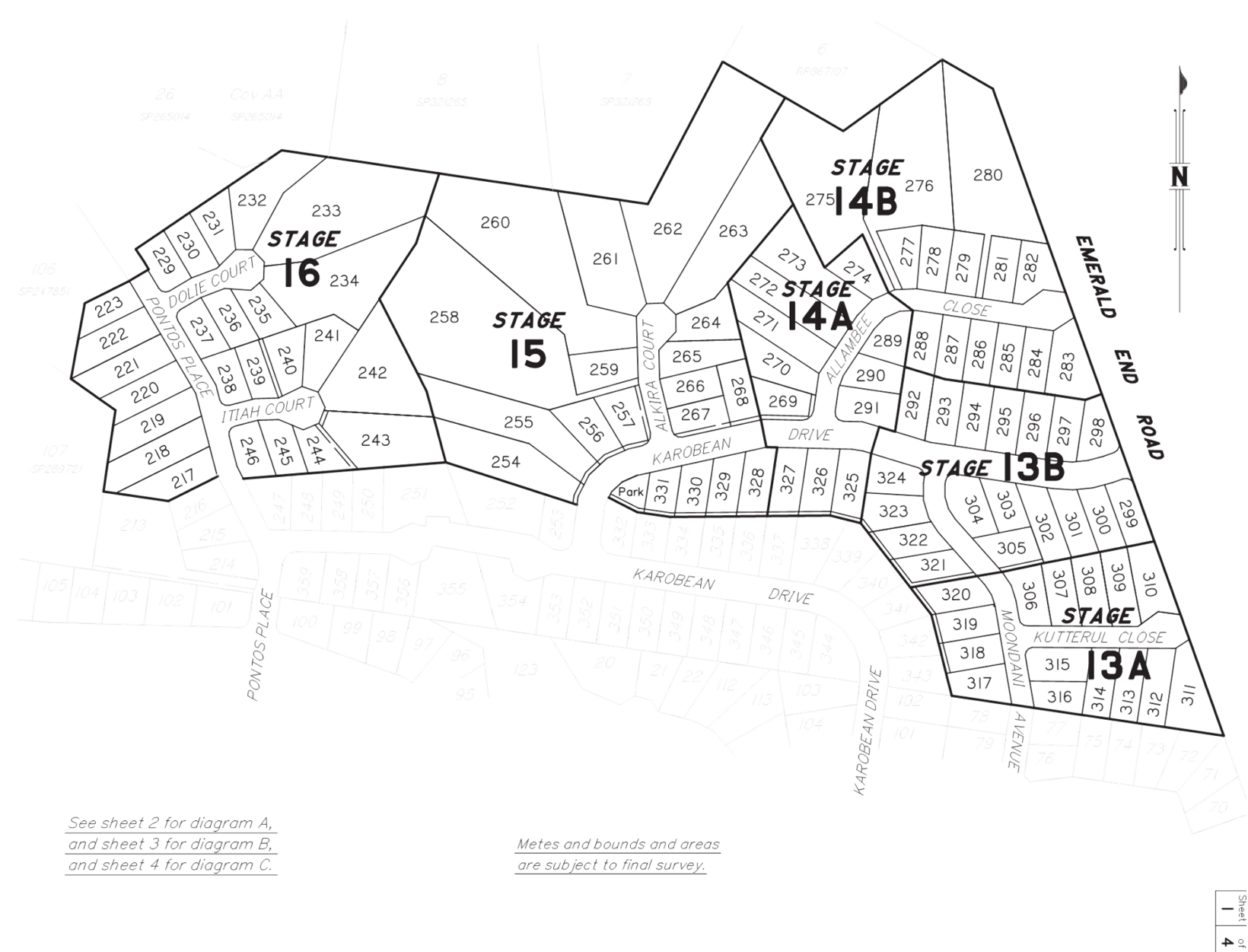
PLANNING DISCUSSION

Nil

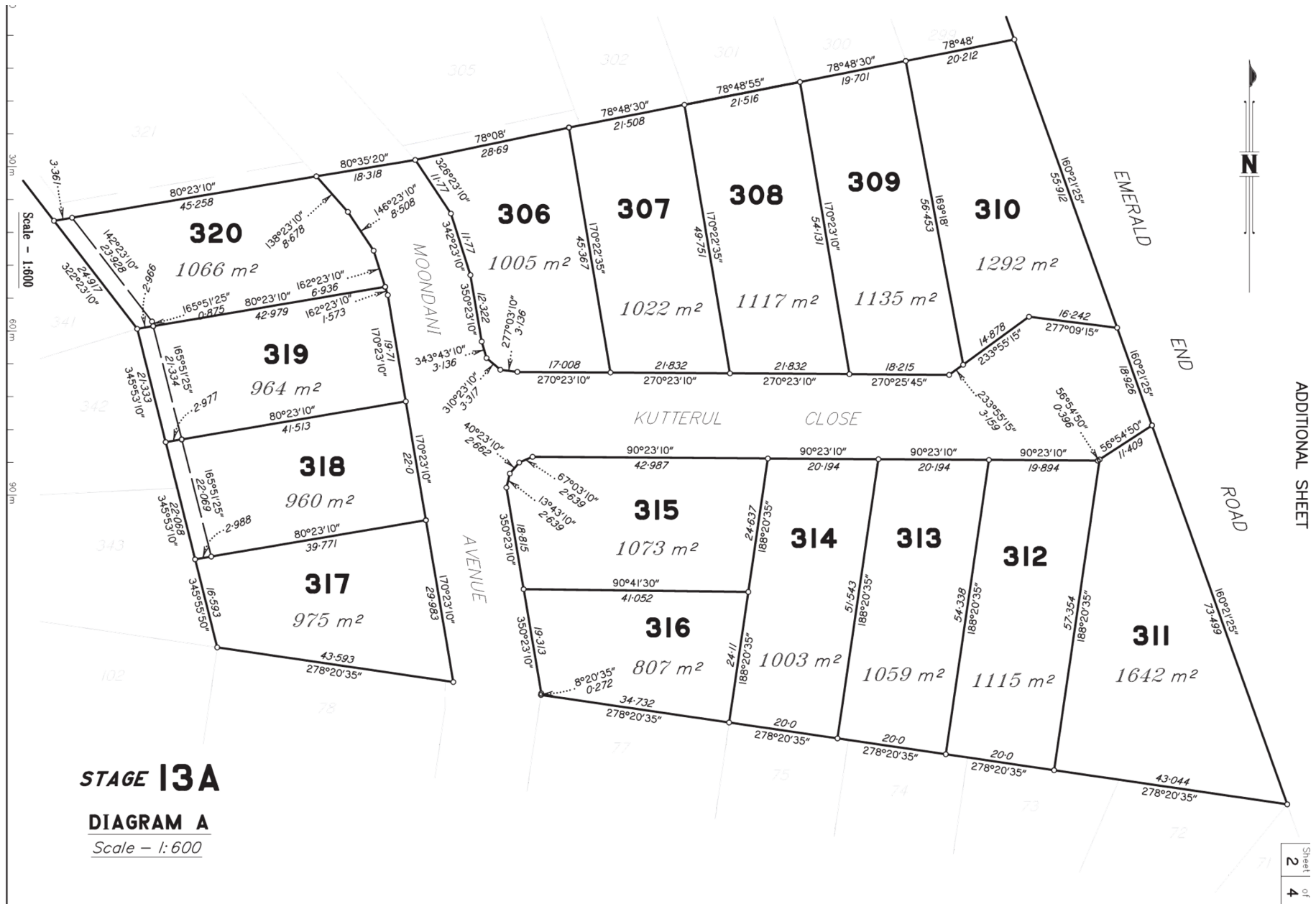
LOCAL GOVERNMENT: MSC
 LOCALITY: Moreeba
 Scale 1: 2500 (A3)
 Reference: 9013 Master Plan
 Lot Layout - 1/12/2022

DEVELOPMENT PLAN
 Stage 13 - 16
 Cancelling Lot 500 on SP336235

TWINE SURVEYS
 TWINE SURVEYS PTY LTD
 36 Mabel Street, Atherton QLD 4883
 P: 07 4091 1303
 E: info@twinesurveys.com.au



Sheet
 1
 of
 4



ADDITIONAL SHEET



Sheet 2 of 4

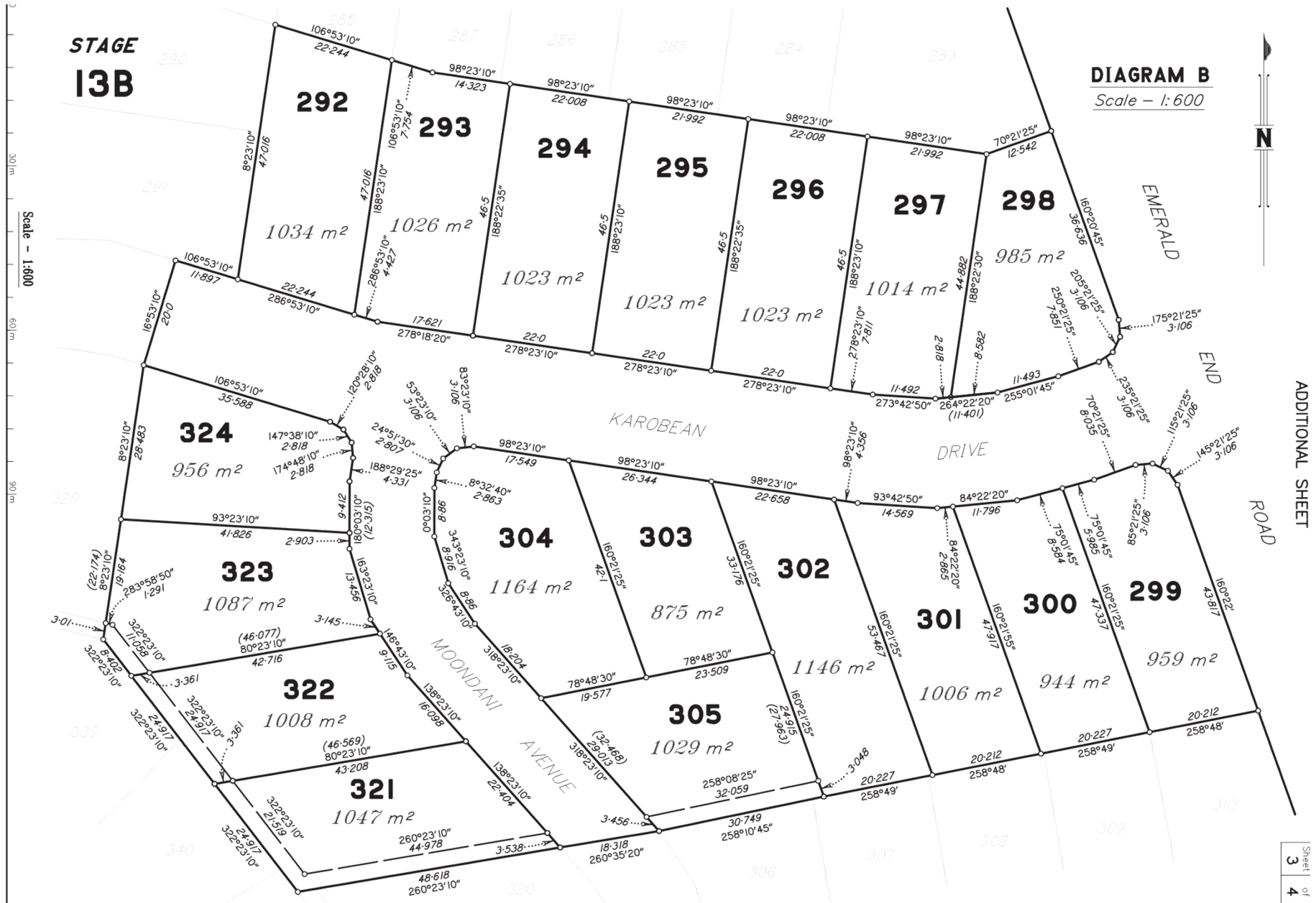
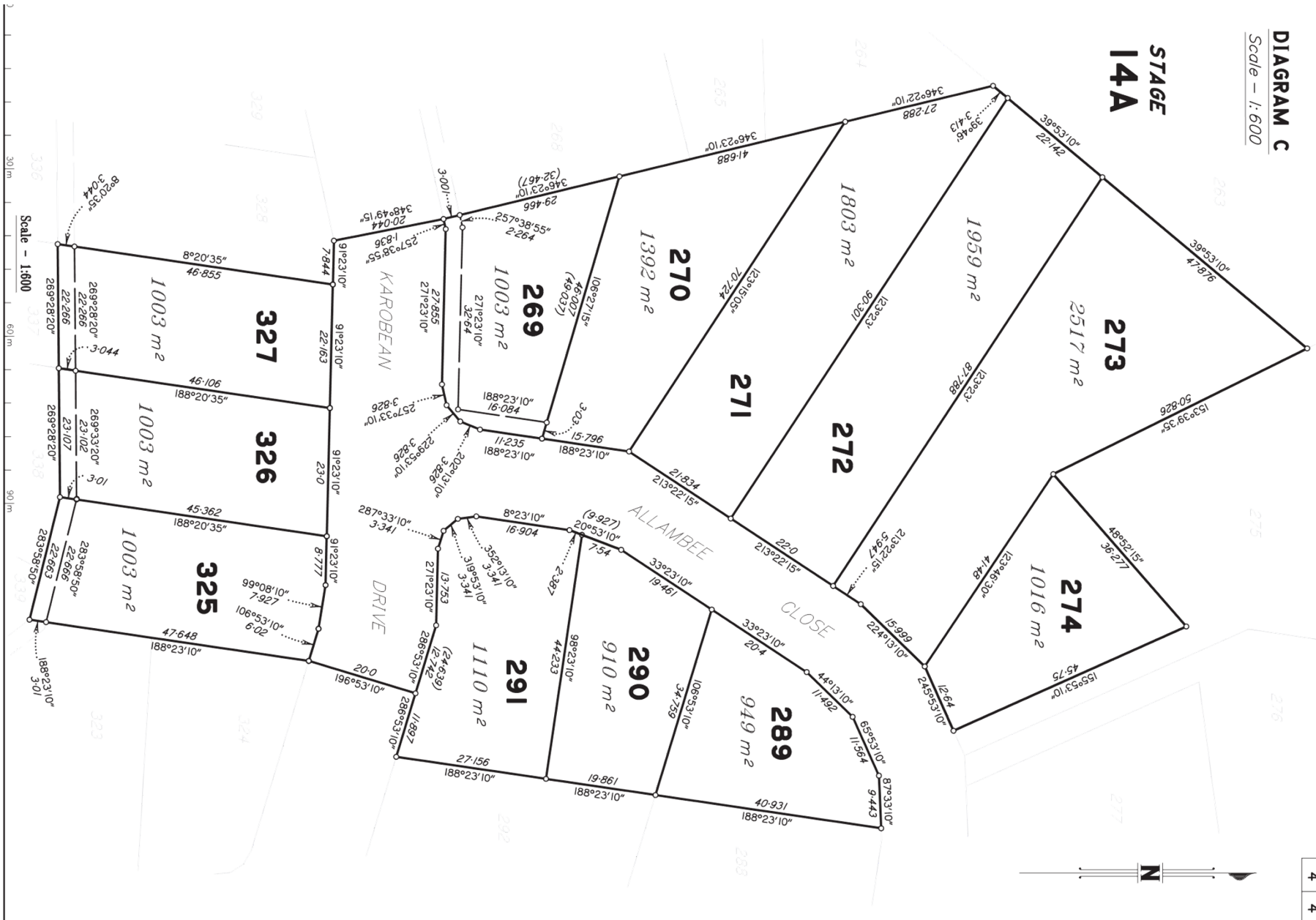


DIAGRAM C
Scale - 1:600

ADDITIONAL SHEET

STAGE 14A



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of
4